THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 17768 of 2007

Dated 21st August 2007

Between:

M.Punnam Chand

... Petitioner

and

The Additional Secretary,
Regional Transport Authority (Central)
Mancherial, Adilabad District & another.

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
WRIT PETITION No. 17768 OF 2007

O R D E R:

The Maxi Cab, bearing No.AP-09X-7478, was seized on 9.8.2007, on the ground that the petitioner failed to produce the necessary documents, in relation to it. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 9.8.2007, issued by the 2nd respondent, discloses that the petitioner failed to produce the proof of payment of tax, Permit, Fitness Certificate, and Driving Licence. Certain other lapses were also pointed out. The liability of

the petitioner, in the context of these observations, needs to be established, in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected, by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a) The Maxi Cab, bearing No.AP-09X-7478, shall be released to the petitioner, on his depositing a sum of Rs.5,000/- (Rupees five thousand Only).

b) The petitioner shall also furnish an undertaking, to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized, and that he shall produce the vehicle, as and when required.

c) The petitioner shall be entitled to ply the vehicle, only after clearing the dues of tax, if any.

There shall be no order as to costs.

_____

21st August

2007

PAN